



A handwritten signature in black ink, appearing to read "J. Craig Whitley".

J. Craig Whitley
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
WILKESBORO DIVISION**

IN RE:)	
)	Case No.: 10-51383
CHETOLA SEVERN, LLC)	Chapter 11
)	
)	
TAX ID #: 20-8197116)	
)	
Debtor(s))	

ORDER DISMISSING CASE

This cause coming on to be heard before the afore signed, United States Bankruptcy Judge, upon the *Motion to Dismiss* filed by the United States Bankruptcy Administrator. A hearing on the Motion was held on July 8, 2011. The Court finds and Orders as follows:

1. This is a Chapter 11 proceeding in which a voluntary petition was filed on September 30, 2010.
2. On October 4, 2010, an Operating Order was entered in this case. That Order provided, in part, that the Debtor file monthly status reports and pay quarterly fees.
3. On October 22, 2010, Bank of Granite, the Debtor's only secured creditor, filed a *Motion to Designate Case as Single Asset Real Estate* in addition to a *Motion for Relief from Stay*.
 - a. A Consent Order designating the nature of the Debtor's business as a single asset real estate business as defined by 11 U.S.C. § 101 (51B) was entered December 3, 2010.

- b. The *Motion for Relief from Stay* was initially heard on December 3, 2010 and was continued until January 7, 2011, February 11, 2011, March 4, 2011, March 21, 2011 and until April 6, 2011 for a ruling.
 - c. At the hearing held on April 6, 2011, the *Motion for Relief from Stay* was granted and the April 22, 2011 hearing on confirmation of plan was entered.
 - d. An *Order Cancelling Confirmation Hearing* was entered on April 6, 2011 as relief from stay had been granted to Bank of Granite.
 - e. An *Order Granting Motion for Relief from Stay* was entered on May 2, 2011.
- 4. On December 13, 2010, the Debtor filed monthly status reports for the months of September and October, 2010.
 - 5. On January 18, 2011, quarterly fees in the amount of \$325.00 were received. The quarterly fees were applied to the third quarter of 2010.
 - 6. The Debtor filed a Chapter 11 Disclosure Statement on January 3, 2011 and a Chapter 11 Plan on January 4, 2011. The Disclosure Statement was approved by Order entered on February 11, 2011. Said Order scheduled the hearing on confirmation of the plan for April 22, 2011. However, the hearing on the confirmation of the plan was cancelled as stated above.
 - 7. On May 16, 2011, the Debtor filed a *Motion to Reconsider Order* on the Order on the Motion for Relief from Stay. On May 31, 2011 an *Order Denying Motion for Reconsider and Canceling Hearing* was entered.
 - 8. A Hearing was held on the *Motion to Dismiss* on June 10, 2011 and was continued until July 8, 2011 on the condition that the Debtor file all outstanding monthly status reports and pay all quarterly fees due.
 - 9. On June 14, 2011 the Debtor filed a *Notice of Appeal* on the *Order on Motion for Relief from Stay*.
 - a. The Appeal was assigned case number 5:11-cv-00082 by the District Court.
 - b. The Debtor did not file a Motion for Stay Pending Appeal; therefore, Bank of Granite's state court foreclosure has not been stayed.

- c. Because the Debtor is a single asset real estate business and because Bank of Granite was granted relief from the automatic stay, the Debtor no longer has assets with which to reorganize.
10. The Debtor has not filed any monthly status reports since the September and October, 2010 reports were filed on December 13, 2010. The Debtor owes monthly status reports for November and December, 2010 and for January through May, 2011.
11. The Debtor has not paid any quarterly fees since paying \$325.00 on January 18, 2011 and owes quarterly fees for the fourth quarter of 2010 and the first and second quarters of 2011.

Wherefore, based upon the foregoing and the entire record in this case it is hereby ORDERED that the Debtor's case is DISMISSED.

***This Order has been signed electronically.
The judge's signature and court's seal appear
at the top of the Order.***

United States Bankruptcy Court